

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 817 of 2005

Between:

- 1 C.V. Anjaneya Varma, s/o C.V. Narasimhaiah,
- 2 C.V. Nataraj Varma, s/o C.V. Narasimhaiah,
(Both are R/o 3/82, Chowltry Street, Kadiri, Ananthapur District.)

..... PETITIONERS

AND

- 1 The Inspector of Police, Kadiri Urban P.S., Kadiri, Ananthapur District.
- 2 The Station House Officer, Gandhi Nagar P.S., Bellari, Karnataka State.
- 3 Hematha Raju @ Raju,
R/o near Gandhinagar Police Station, Bellari, Karnataka State.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the respondents 1 and 2 herein in harassing the petitioners in connection with the debts of C.Yogananda Varma as well as threatening the petitioners for payment of the borrowings of the amounts due to the 3rd respondent herein as illegal, arbitrary, null and void and for a consequential direction to the respondents herein not to harass the petitioners herein in respect of the payments of debts of Mr. Yogananda Varma.

Counsel for the Petitioners:MR.M.V.SURESH

Counsel for the Respondents No.1 and 2: GP FOR HOME

The Court at the stage of admission made the following ORDER:

Petitioners claim that on the basis of a complaint submitted by the third respondent in relation to certain activities said to have been undertaken by one Yogananda Varma, their brother-in-law, the first respondent is requiring them to attend the police station and harassing them. They seek appropriate directions in this regard.

Heard learned counsel for the petitioners and learned Government Pleader for Home.

The first respondent can take any action or proceed against the petitioners, if only any complaint is received with specific accusations against them. Even if the names of the petitioners are not shown in any complaint, the first respondent can examine the petitioners during the course of investigation, if it is so warranted. However, detention of the petitioners in the absence of any registered case or issuing threats to them cannot be countenanced in law.

Hence, the writ petition is disposed of directing that the first respondent shall not require the presence of the petitioners in his police station, except where any specific complaint is received and a case is registered or for a casual appearance during the course of investigation. There shall be no order as to costs.

31.01.2005

ksld

To

1 The Inspector of Police, Kadiri Urban P.S., Kadiri, Ananthapur

District.

2 The Station House Officer, Gandhi Nagar P.S., Bellari, Karnataka

State.

3 Two CCs. to the G.P. for Home, High Court of A.P., Hyderabad

(OUT).

4 Two CD copies.